

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND, NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO.: WDQ-10-0488

TIMOTHY WILSON, ET AL.

* * * * *

MEMORANDUM OPINION

Timothy M. Wilson and Luis R. Ahorrio, Jr. (the "Defendants") are charged with conspiracy to distribute crack cocaine and other offenses. For the following reasons, the Court granted the Government's motion *in limine* to preclude impeachment of witness David Canfield with his 2010 conviction for simple assault under New Jersey law (ECF No. 107).

The Defendants were arrested after police discovered crack cocaine in their rental car during a traffic stop in Worcester County, Maryland. ECF No. 47, Ex. 1 at 5-7. Canfield had rented the car to Wilson.


Fed. R. Evid. 609(a)(1) states that "evidence that a witness other than an accused has been convicted of a crime shall be admitted . . . if the crime was punishable by death or imprisonment in excess of one year under the law under which the witness was convicted." "Simple assault is a disorderly persons offense" under New Jersey law, punishable by a prison term not

to exceed six months. N.J. Stat. Ann. §§ 2C:12-1(a), 2C:43-8. Cross-examining Canfield about this conviction -- that has no clear bearing on his credibility -- was likely to merely harass or embarrass him.

For the reasons above, the Court prohibited the defense from impeaching Canfield with the New Jersey simple assault conviction.

Date

11/30/11



William D. Quarles, Jr.
United States District Judge